

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15cv242**

RITA KOTSIAS,)
)
Plaintiff,)
)
v.)
)
CMC II, LLC, et al.,)
)
Defendants.)

ORDER

Pending before the Court is the Motion to Compel [# 37]. On September 29, 2016, the Court entered a Memorandum and Recommendation recommending that the District Court grant the Motion to Dismiss filed by Defendant ESIS and dismiss all claims asserted against Defendant ESIS. Because it is the opinion of this Court that the claims against Defendant ESIS should be dismissed, the Court **STAYS** the Motion to Compel [# 37] as to Defendant ESIS. The motion will go forward as to the remaining Defendants.

If the District Court adopts the Memorandum and Recommendation of the Court, then the Motion to Compel as to Defendant ESIS will be moot. If, however, the District Court rejects the Memorandum and Recommendation and allows the claims asserted against Defendant ESIS to go forward, then the Court will at that time resolve the Motion to Compel as to Defendant ESIS. Finally, the Court

leaves it to the discretion of counsel for Defendant ESIS whether counsel attends the discovery hearing on October 5, 2016. The Court will not address any discovery issues related to Defendant ESIS at the hearing, and counsel is not required to attend the hearing.

Signed: September 30, 2016

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

